

COMPLAINT
EXHIBIT C



Adrienne Cormier

From: Blair, Terri L CIV USN COMSC NORFOLK VA (USA) <terri.blair@navy.mil>
Sent: Tuesday, November 17, 2020 1:55 PM
To: Neal Bingham
Cc: Kallenbach, Mark J CIV USN COMSC NORFOLK VA (USA); Thornley, Donald J CIV USN USFFC (USA)
Subject: FOIA REQUEST DON-NAVY-2020-011031
Attachments: DON-NAVY-2020-011031 - RESPONSE.pdf; DON-NAVY-2020-011031 - DRY DOCK CERTIFICATE_Redacted.pdf

Mr. Bingham:

Please see attached. Thank you.

Sincerely,

Terri L. Blair
Freedom of Information Act Coordinator
Privacy Act Coordinator
Military Sealift Command Norfolk (N00L)
471 E. C Street, Bldg. SP-30, Room 103
Norfolk, VA 23511
 terri.blair@navy.mil
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DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
471 EAST C STREET
NORFOLK VA 23511-2419

5720
N00L/009
November 17, 2020

Mr. Neal J. Bingham (nbingham@effren.net)
Law Offices of Jerry C. Effren
25 West Union Street
Ashland, Massachusetts 01721

Subj: FOIA REQUEST (DON-NAVY-2020-011031)

This responds to your Freedom of Information Act (FOIA) request of August 5, 2020, assigned tracking number DON-NAVY-2020-011031, requesting the following:

1. All documents evidencing the certification status [of] the Floating Dry Dock "Alabama" (the "Dry Dock") at the shipyard owned and/or operated by Alabama Shipyard, LLC. (the "Shipyard") in Mobile, Alabama as of November 26, 2019.
2. All documents evidencing the certification or re-certification of the Dry Dock on or after November 26, 2019.
3. All documents concerning the "self-certification" of the Dry Dock by MSC, or at the direction of MSC, if any, undertaken or completed on or after November 26, 2019.
4. All documents concerning United States Navy certifications of the Dry Dock, if any, undertaken or completed on or after November 26, 2019.
5. All communications between MSC, on the one hand, and the Shipyard, on the other hand, concerning the status of the certification of the Dry Dock as of or after November 26, 2019.
6. All communications between MSC, on the one hand, and any other person or entity, including without limitation representatives of the engineering company known as Heger Dry Dock, Inc. of 77 Main St, Hopkinton, MA 01748 concerning the certification of the Dry Dock at any time on or after November 26, 2019.

In a phone discussion with me, you indicated that you might be willing to accept a response to the first paragraph above in full satisfaction of your request. As such, we are providing a document responsive to the first paragraph of your request, with redactions made pursuant to FOIA provision 5 U.S.C. § 552(b)(4), which permits the government to withhold certain trade secrets and commercial or financial information that is privileged or confidential.

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This is an interim response to your request. Please respond to this letter **on or before December 29, 2020** advising whether the document provided satisfies your request. If I do not receive your written response by that deadline, I will assume that the document provided satisfies your request in full. Please address your response to FOIA Coordinator, Terri Blair, 471 East C Street, SP-30, Norfolk, VA 23518 or terri.blair@navy.mil. In your written response, please cite the reference number indicated in subject line of this letter.

If you have any questions regarding this matter, please contact me.

A handwritten signature in cursive script that reads "Terri L. Blair".

T.L. Blair
By direction

HEGER DRY DOCK, INC

CERTIFICATE of CAPACITY

FLOATING DRY DOCK "ALABAMA"

MOBILE, ALABAMA

ISSUED

EXPIRES

Heger Dry Dock, Inc. has inspected the subject dry dock and found it safe and adequate for dry-docking vessels displacing up to 46,400 long tons at 12 inches pontoon deck freeboard.

This certification is contingent on the following conditions:

- A) The vessel's weight and adjusted vertical center of gravity (K_G) must fall within acceptable limits of ship / dock stability.
- B) A safe and adequate blocking system must be used for all dockings.
- C)
- D) Normal acceptable dry-docking procedures must be followed at all times.
- E)

Please note that the certification is for the safety of the vessel in the dry dock only. It does not address the safety of personnel in and around the dry dock, potential pollution spills, or transfers. Faulty handrails, stairs, tripping hazards, exposed equipment or any other hazard not specifically related to the safety of the vessel in the dry dock are not covered by this certification. Transfers must be reviewed and approved in advance on a case by case basis.

REFERENCE:

HEGER DRY DOCK, Inc

Waleed Sayed, PE
Registration: Alabama

